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INVESTIGATION OF COMMUNIST PENETRATION OF COMMUNICATIONS FACILITIES—PART 2

HEARINGS

BEFORE THE

COMMITTEE ON UN-AMERICAN ACTIVITIES

HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH CONGRESS

FIRST SESSION

OCTOBER 9, 1957

Printed for the use of the Committee on Un-American Activities

INCLUDING INDEX



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COMMITTEE ON UN-AMERICAN ACTIVITIES

UNITED STATES HOUSE OF REPRESENTATIVES

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PUBLIC LAW 601, 79TH CONGRESS

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress [1946], chapter 753, 2d session, which provides:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * **

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

RULE X

SEC. 121. STANDING COMMITTEES

* * * * *

17. Committee on Un-American Activities, to consist of nine Members.

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

(q) (1) Committee on Un-American Activities.

(A) Un-American activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (1) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

* * * * *

RULE XII

LEGISLATIVE OVERSIGHT BY STANDING COMMITTEES

SEC. 136. To assist the Congress in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the Senate and the House of Representatives shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the Congress by the agencies in the executive branch of the Government.

RULES ADOPTED BY THE 85TH CONGRESS

House Resolution 5, January 3, 1957

* * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress,

* * * * *

(q) Committee on Un-American Activities, to consist of nine Members.

* * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

17. Committee on Un-American Activities.

(a) Un-American activities.

(b) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (1) the extent, character, and objects of un-American propaganda activities in the United States, (2) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

* * * * *

26. To assist the House in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the House shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the House by the agencies in the executive branch of the Government.

SYNOPSIS

INVESTIGATION OF COMMUNIST PENETRATION OF COMMUNICATIONS FACILITIES—PART 2

Additional public hearings regarding the subject of Communist penetration of sensitive communications facilities were held on October 9, 1957. Previous hearings on this subject were held on July 17, 18, and 19, 1957, and August 2 and 9, 1957.

These hearings clearly demonstrated that Communist penetration of sensitive communications facilities constitutes a direct danger to American security. During the course of the October 9, 1957, hearings, the Committee on Un-American Activities interrogated a number of officials of the Defense Department of the United States who are directly concerned with communications.

A. Tyler Port, Director of the Office of Personnel Security Policy, Office of the Secretary of Defense, stated in his testimony that the Department of Defense has actively supported proposed legislation that would permit the removal of dangerous persons from facilities vital to our Nation's security. He warned, however, that the Department of Defense cannot assure the Congress or the American people that all reasonable measures have been taken to safeguard our national security inasmuch as Communists are permitted to work in vital communications facilities.

Mr. Port stated further in his testimony that the Defense Department is continuously aware that regardless of what specific international development occurs, infiltration of the defense effort by agents of the Soviet Union is a continuing objective.

In answer to a question as to whether present law is inadequate to cope with the problem of Communists' access to the vital communications facilities of the Defense Department, Mr. Port replied that "as the speed, range, and complexity of our modern weapons systems advance, our communications systems on a global basis become increasingly vital to modern military operations." Mr. Port urged that Congress enact a bill similar to the Defense Facilities Protection Act (H. R. 3788, 84th Cong., 1st sess.), which he felt incorporated the desirable factors which the Department of Defense believes would provide the necessary means for excluding dangerous individuals from facilities considered vital to the national defense.

Paul Goldsborough, Staff Director, Communications Division, Office of the Assistant Secretary of Defense (Supply and Logistics), also appeared before the committee and testified that there is a potential possibility of sabotage of communications facilities which process defense messages by any "subversive element that might be so minded."

During the October 9, 1957, hearings, the committee heard testimony of Clair Feller, Rudolph Ortner, Edith Alberts, Michael

Goldstein, and Anthony J. Napoli, employees of the Western Union Telegraph Co. in New York City which services messages emanating from the Pentagon and other strategic installations of the United States Government. All these persons denied present-day membership in the Communist Party but when asked questions relating to previous membership, invoked the fifth amendment. They are members of the American Communications Association, a union expelled from the CIO on June 15, 1950, because of its domination by Communists. This union, most of whose officers are identified Communists, still continues to be recognized by the National Labor Relations Board as the duly constituted bargaining agent and representative of communications workers servicing the key lines of a number of Government agencies.

During the course of the October 9 hearings, the committee also interrogated William Bender, vice president in charge of the broadcast division of the Communist-controlled American Communications Association. Mr. Bender testified that the broadcast division of the American Communications Association had about 100 members and that they had representation in 7 radio stations—WLIB and WBNX in New York City, WPEN, WIP, WDAS, WIBG, and WHAT, located in Philadelphia, Pa.

Mr. Bender, when asked questions concerning whether or not he was a member of the Communist Party, denied present-day membership, but invoked the fifth amendment when asked whether he had been a member of the Communist Party in the course of the past year. Mr. Bender did testify, however, that some of the radio stations represented by his union participate in the so-called Conelrad System of air raid defense which, in time of national emergency, will become an integral part of our defense operations. Mr. Bender refused to divulge the names of persons employed in any of these radio stations who, to his certain knowledge, are or have been members of the Communist Party.

INVESTIGATION OF COMMUNIST PENETRATION OF COMMUNICATIONS FACILITIES—PART 2

WEDNESDAY, OCTOBER 9, 1957

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D. C.
PUBLIC HEARINGS

The subcommittee of the Committee on Un-American Activities met at 10 a. m., pursuant to call, in the caucus room, Old House Office Building, Washington, D. C., Hon. Edwin E. Willis (chairman of the subcommittee) presiding.

Committee members present: Representatives Edwin E. Willis, of Louisiana, and Gordon H. Scherer, of Ohio.

Staff members present: Richard Arens, director; Louis J. Russell, investigator; and Col. William F. Heimlich, consultant.

Mr. WILLIS. The subcommittee will please come to order.

I have an opening statement as the subcommittee chairman, which I wish to read for the record.

The committee has long been interested in the situation which exists in the communications industry in the United States, namely, the position and influence held by members of the Communist Party and organizations dedicated to furthering the Communist objective. On July 10, 1957, at a regular meeting of the committee, with all members except two present and voting, a motion was made by Mr. Scherer and seconded by Mr. Frazier, which authorized the holding of hearings in Washington on this general subject.

I should like to point out that two series of hearings held by the Committee on Un-American Activities, on July 17, 18, and 19, 1957, and August 2 and 9, 1957, established clearly that Communist penetration of sensitive communications facilities constitutes a direct danger to the American security.

The hearings today are a continuation of the series of hearings which began on July 17, 1957. Before proceeding further, I would like to include in the record a copy of the order for appointment of this subcommittee, signed by the chairman of the committee on the 29th day of August 1957. In it there is appointed a subcommittee consisting of Chairman Walter, Mr. Scherer, and myself. In view of the unavoidable absence of the chairman, I am therefore acting as chairman of this subcommittee. A quorum of the subcommittee is present consisting of Mr. Scherer and myself, as chairman.

1812 COMMUNIST PENETRATION OF COMMUNICATIONS FACILITIES

ORDER FOR APPOINTMENT OF SUBCOMMITTEE

AUGUST 29, 1957.

To: Mr. Richard Arens, Director, House Committee on Un-American Activities.

Pursuant to the provisions of law and the rules of this committee, I hereby appoint a subcommittee of the Committee on Un-American Activities, consisting of Representatives Gordon H. Scherer and Edwin E. Willis, associate members, and myself, Francis E. Walter, as chairman, to conduct hearings in Washington, D. C., on October 7, 8, and 9, 1957, at 10 a. m., on subjects under investigation by the committee and take such testimony on said days or succeeding days, as it may deem necessary.

Please make this action a matter of committee record.

If any member indicates his inability to serve, please notify me.

Given under my hand this 29th day of August 1957.

FRANCIS E. WALTER,
Chairman, Committee on Un-American Activities.

In these hearings today the committee hopes to ascertain the extent of the penetration and control exercised by members of the Communist Party over an industry which is vital to our defense, namely, communications.

In the event that testimony given during these hearings reflects a situation correctable by legislation, the committee will recommend appropriate measures at the proper time. It is the purpose of the subcommittee in the conduct of these hearings to discharge the duties placed upon us by the Congress by calling witnesses who, we have reason to believe, possess information which will be of value to us and to the Congress in the consideration of such legislation. It is a standing rule of this committee that any person named in the course of the committee hearings will be given an early opportunity to appear before this committee, if he so desires, for the purpose of denying or explaining any testimony given adversely affecting such person. In the event there are such persons, they should immediately communicate with any member of the staff and make their request known.

In every hearing, the committee has encouraged witnesses to have legal counsel with them if they so desire and has always welcomed the presence of counsel. In fact, the rules of the committee expressly provide that at every hearing, public or executive, every witness shall be accorded the privilege of having counsel of his own choosing.

The participation of counsel during the course of any hearing and while the witness is testifying should be limited to advising his client as to his legal rights. Counsel shall not be permitted to engage in oral argument with the committee, but shall confine his activity to the area of legal advice to his client.

I would like to remind those present that we are here at the direction of Congress to discharge an important legislative function. You in the hearing room are here by permission of this committee, and I am sure you will conduct yourselves as guests of this committee at all times. Any disturbance of any kind or audible comment during the course of the testimony, whether favorable or unfavorable to any witness, will not be tolerated.

Would you like to supplement this statement, Mr. Scherer?

Mr. SCHERER. No; I have nothing.

Mr. WILLIS. Counsel, please call your first witness.

Mr. ARENS. Mr. Chairman, if it meets with your pleasure, the first presentation this morning will be made by several gentlemen from the

Department of Defense and I respectfully suggest that all of them who are now assembled at the table rise while the chairman administers an oath to them and then we will proceed, if you please, Mr. Chairman, with the first gentleman from the Defense Establishment, whose testimony will be supplemented in extemporaneous manner by his associates.

Mr. WILLIS. Please rise, gentlemen.

Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God,

Mr. PORT. I do.

Mr. APPELGATE. I do.

Mr. GOLDSBOROUGH. I do.

Mr. FANNING. I do.

Mr. STEMLER. I do.

TESTIMONY OF A. TYLER PORT, DIRECTOR, OFFICE OF PERSONNEL SECURITY POLICY, OFFICE OF THE SECRETARY OF DEFENSE; ROBERT L. APPELGATE, STAFF DIRECTOR, INDUSTRIAL SECURITY PROGRAMS DIVISION, OFFICE OF THE SECRETARY OF DEFENSE; PAUL GOLDSBOROUGH, STAFF DIRECTOR, COMMUNICATIONS DIVISION, OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE (SUPPLY AND LOGISTICS); JOHN H. FANNING, DIRECTOR, DOMESTIC PROGRAMS, OFFICE OF THE SECRETARY OF DEFENSE; AND JACK L. STEMLER, ASSISTANT GENERAL COUNSEL, OFFICE OF THE SECRETARY OF DEFENSE

Mr. ARENS. For the purpose of the record, would you kindly each give your name and office or post which you occupy in the Defense Establishment and then we will proceed with you first, Mr. Port, if you please.

Mr. PORT. A. Tyler Port, Director, Office of Personnel Security Policy, Office of the Secretary of Defense.

Mr. STEMLER. Jack L. Stemler, Assistant General Counsel, Office of the Secretary of Defense.

Mr. FANNING. John Fanning, Director, Office of Domestic Programs, Office of the Secretary of Defense.

Mr. GOLDSBOROUGH. Paul Goldsborough, Staff Director of Communications, Office of Assistant Secretary of Defense, Supply and Logistics.

Mr. APPELGATE. Robert L. Applegate, Staff Director of the Industrial Security Programs Division, Office of the Secretary of Defense.

Mr. ARENS. If it meets with your pleasure, Mr. Chairman, I respectfully suggest that Mr. Port come forward. He has a prepared statement which he would like to submit to the committee.

Mr. WILLIS. Please do so.

Mr. ARENS. Please be seated, Mr. Port.

Mr. PORT. Thank you, Mr. Arens.

Mr. Chairman, I am here this morning in response to your request to the Secretary of Defense, asking that someone be designated to assist the committee in its efforts to determine what type of legislation is necessary to authorize the Federal Government to guard strategic

communications facilities against individuals believed to be disposed to commit acts of sabotage and espionage for the benefit of a foreign power or powers.

A review of the testimony already given before the committee on this subject has brought out many facts which undoubtedly will be helpful to the committee in reaching its objective. It is our feeling that the best way the Department of Defense can be of assistance is, first, to show the importance of these facilities to the Department and, secondly, to suggest the salient features which we feel should be incorporated in legislation that might be designed to meet the problem under discussion.

At the outset, I would like to invite the attention of the committee to one fact which long years of experience in the security field has urged upon us. Acts of sabotage and espionage are usually committed by an individual, or several individuals, rather than by an organization. Consequently, any preventive or corrective measures taken should be directed against such misguided persons and not necessarily against organizations to which they belong. Any other course could readily result in punitive action being taken against many innocent persons employed throughout United States industry who belong to various organizations.

This does not mean that the Department of Defense is not vitally concerned with any organized effort that might be made by any group or association to influence employees, in facilities in which we have a substantial interest, to act contrary to our best security interests. The Department of Defense has a vital interest in many privately owned facilities, because of their unusual importance to a war mobilization or because our military secrets are entrusted to such facilities in connection with classified contracts. A number of communications facilities fall in this category, including some of those being studied by the committee.

The Department of Defense has actively supported proposed legislation that would permit the removal of dangerous persons from facilities vital to our Nation's security. The Department cannot assure the Congress and the American people that all reasonable measures have been taken to safeguard our national security if Communists or other subversives, regardless of what inspires them or the source of coercion to which they might be subjected, are permitted to work in these vital facilities.

As the matter now stands, the legal authority of the Department of Defense is limited to the protection of its classified information and materials in the possession of private contractors. Based on this authority, access to such information or materials is controlled by denying persons access who are determined, under appropriate rules and regulations, to be security risks. The Department of Defense cannot bring about the dismissal of such persons, even though their continued presence in the facility may constitute a real threat to the security of our military secrets in the facility.

In regard to the protection of vital facilities against sabotage, the Congress has provided legal authority in the Internal Security Act of 1950 for the detention of potentially dangerous individuals in the event of an "internal security emergency" declared by the President, and also for the exclusion of certain individuals from defense facili-

ties in advance of the declaration of such an emergency, if they are members of organizations required to register under the provisions of the act.

Under the detention provisions of Title II of the Internal Security Act, the President has the authority, upon declaration of an internal security emergency, to provide for the emergency detention of "each person as to whom there is reasonable ground to believe that such person probably will engage in, or probably will conspire with others to engage in, acts of espionage or of sabotage." Invoking these provisions of the act will be a serious and far-reaching undertaking and one of grave consequences to the individuals affected. This authority, under certain circumstances, may, however, have to be invoked.

With respect to the exclusion of individuals, the registration of the Communist Party under Section V of the Internal Security Act is still before the courts and a final order within the meaning of the statute has not yet become effective in relation to the Communist Party itself. For this reason, the exclusion of members of the Communist Party from defense facilities designated by the Secretary of Defense will not be effective until such an order becomes final.

Short of the use of the broad and far-reaching detention powers, there exists an area in which the security of the United States needs to be protected on a case-by-case basis. The potential for sabotage in specific instances can be eliminated before conditions exist that would justify the employment of the detention authority.

A bill, known as the Defense Facilities Protection Act (H. R. 3788, 84th Cong., 1st sess.), incorporated the desirable features which the Department of Defense believes would provide the necessary means for excluding dangerous individuals from facilities considered vital to the Department of Defense. This bill was not enacted but its enactment is still desirable today. It is believed that it will be effective in meeting the problem to which it was addressed. The enactment of legislation such as H. R. 3788 at this time would provide a means whereby the rights of individuals could be better protected because time would be available for careful adjudication of each case that arose. This would be singularly preferable to invoking the detention provisions of the Internal Security Act of 1950 under such critical and hurried circumstances that careful consideration could not be given to the rights of the individuals affected.

I thank you, Mr. Chairman.

Mr. WILLIS. To which committee was that bill referred? Is that the Judiciary Committee bill?

Mr. ARENS. Yes, sir. It was in the Judiciary Committee of the 84th Congress, Mr. Chairman.

May we inquire, Mr. Port, on an extemporaneous basis of yourself and of your colleagues on certain of these points which you have developed in the prepared statement and some other areas of inquiry?

First of all, may we establish—and I direct this attention, if you please, specifically to Mr. Goldsborough—for this record the awareness of the Defense Department that defense communications facilities are serviced by people in an organization which has been found by congressional committees, on the basis of extensive hearings, to be Communist controlled.

Mr. Goldsborough, is the Defense Department aware of that fact?

Mr. GOLDSBOROUGH. We are aware, sir, as we have circuits running through the RCA-Western Union communications center in New York in which it has been alleged there has been Communist infiltration.

Mr. ARENS. Is the Defense Establishment aware of these hearings which this Committee on Un-American Activities has been conducting intermittently over the course of some considerable period of time in which a number of persons have been identified as persons who were members of the Communist Party, who have access to these messages?

Mr. GOLDSBOROUGH. We are aware of that fact.

Mr. ARENS. Although the concern of the Defense Establishment was expressed in the statement by Mr. Port, may I ask you, Mr. Goldsborough, as a communications officer in the Defense Establishment, to express your appraisal as to whether or not this situation which presently prevails, as disclosed by this committee, causes you as a communications officer to have concern respecting the security of the communications facilities which go out of the Pentagon?

Mr. GOLDSBOROUGH. It causes concern, sir.

Mr. ARENS. Is the record clear, gentlemen, that the Defense Establishment is of the judgment that present law is inadequate to cope with the problem of Communists and their access to the vital communications facilities of the Defense Department?

Mr. PORT. That is correct, Mr. Arens. I might say, if I may, that as the speed, range, and complexity of our modern weapons systems advance, our communications systems on a global basis become increasingly vital to modern military operations.

Supplementing our own communications facilities international communications industries of this country play a vital role in our national defense effort.

Mr. SCHERER. Does the launching of the recent satellite by the Soviet Union increase the necessity for a stricter control of our communications systems?

Mr. PORT. I would say in answer to you, Mr. Scherer, that we are continually aware that regardless of what specific international development occurs, infiltration of our defense effort is a continuing objective. I would not be prepared to state specifically what this event may portend, but I think it is a safe assumption to make that we are constantly a target for such efforts on the part of the Soviet Union.

Mr. SCHERER. Of efforts of infiltration by agents of the Soviet Union?

Mr. PORT. That is correct.

Mr. ARENS. Mr. Goldsborough, may I revert to your observations of a few moments ago? Over the course of the last several months intermittently before this committee, I would estimate some two dozen persons have been identified as Communists by live witnesses under oath who are presently engaged in communications facilities which process defense messages. On the basis of your background and experience and present status in the Defense Establishment, would you express to this committee your appraisal as to the potential possibility there now for sabotage in the event of armed conflict?

Mr. GOLDSBOROUGH. I would say, sir, there is a potential possibility for sabotage by any subversive element that might be so minded.

Mr. SCHERER. Mr. Goldsborough, are you familiar with the testimony of Michael Mignon who testified before this subcommittee sev-

eral months ago? He was a former Communist and active a few years back in the American Communications Association. It is my recollection that he testified that when he was a member of the Communist Party—that was not too long ago—the objective of the Communist Party of infiltrating and taking over that union was so that if we should—I want to be accurate now—ever engage in a war with the Soviet Union or should there be any revolutionary activities within this Nation, then it would be much easier to accomplish sabotage on the Atlantic cables that are serviced by Communists who are members of this union.

Are you familiar with that testimony?

Mr. GOLDSBOROUGH. I read the testimony, sir.

Mr. SCHERER. Is that substantially right?

Mr. GOLDSBOROUGH. I believe that was substantially what he said.

Mr. SCHERER. Have you any comment on that testimony?

Mr. GOLDSBOROUGH. I can only comment, sir, by referring to my last statement, that it is possible for anyone so minded, employed in these communications centers, to effect acts of sabotage.

Mr. SCHERER. Can you answer this question: Prior to the testimony of Michael Mignon was the Defense Department familiar with that policy or objective of the Communist Party insofar as the communications workers union was concerned?

Mr. GOLDSBOROUGH. I think I will have to defer to the security people for that answer.

Mr. SCHERER. Is anyone here capable of answering that question?

Mr. APPLEGATE. I can say this: That this fact has been brought to our attention in a series of other hearings where this matter has been discussed, so we have been aware of it for some time.

Mr. SCHERER. You are aware of evidence that supports the testimony of Michael Mignon that that was a policy of the Communists?

Mr. APPLEGATE. We are aware of the fact that it has been brought out in hearings and presented to different committees of the Congress.

Mr. SCHERER. That that was such a policy or such objective?

Mr. APPLEGATE. Yes, sir.

Mr. ARENS. Mr. Chairman, I have no further questions of these gentlemen, unless some of the other gentlemen who accompanied Mr. Port have a statement or statements which they should like to volunteer to supplement Mr. Port's observations this morning on behalf of the Defense Department.

Mr. WILLIS. Thank you very much, gentlemen. We are grateful for your appearance.

Mr. SCHERER. Before we finish may I ask the witness, Mr. Port, another question?

Do I gather from your statement, Mr. Port, that the Defense Department would be interested in supporting legislation which would make it possible to remove, from sensitive positions, individuals who might be security risks at this time before an emergency would arise so that they could be removed in the manner as prescribed by existing law?

Mr. PORT. That is correct, Mr. Scherer. We feel that the problem of potential sabotage, espionage, and subversion is basically one cre-

ated by individuals and it is toward removal of individuals rather than groups that my remarks were directed in my statement this morning.

Mr. SCHERER. As I understand it, you prefer that that action be taken now through appropriate legislation, rather than wait until an emergency should arise as defined by existing law?

Mr. PORT. We feel, Mr. Scherer, that this would be a preventative measure and that it would enhance our capability, that we must take such action prior to the actual arising of an emergency.

Mr. SCHERER. It is kind of foolish to wait.

Mr. WILLIS. I might say for the record that the measure, H. R. 3788 referred to by the witness, along the lines of the questions of Mr. Scherer, was introduced by the chairman of this committee, Mr. Walter, or at least is included in a larger bill in August 1957, which is H. R. 9352, a much more comprehensive measure than the one the witness has referred to, which is in line with the general objective of this committee to eternally watch over the security laws of the Nation.

Mr. PORT. I am glad to hear that, Mr. Chairman.

Mr. ARENS. Mr. Port and gentlemen from the Defense Establishment, does the Defense Establishment now have an accumulation of information respecting individuals presently engaged in the communications facilities whom the Defense Establishment believes would likely commit sabotage or espionage in the event of war?

Mr. PORT. I cannot give a specific answer to that question, Mr. Arens.

Mr. ARENS. Is there someone here who can?

Mr. SCHERER. You cannot answer because you are unable to, or because of restrictions you are not allowed to?

Mr. APPEGATE. We do not have that information specifically in our hands.

Mr. PORT. I might say in this connection that our industrial-security program in the Department of Defense at the present time is geared to handle only the security of individuals who must have access to classified military information.

Mr. SCHERER. And when you now find such an individual whom you believe to be a security risk do you deny him access to that classified material?

Mr. PORT. That is correct.

Mr. SCHERER. And there have been individuals who have been denied access to classified material or denied sensitive positions?

Mr. PORT. That program has been in effect for a number of years.

Mr. ARENS. But they are still in the plant?

Mr. PORT. They can be removed to nonsensitive positions and we are powerless to remove them from industry.

Mr. SCHERER. One more question then. Does the Defense Department feel that such individuals should be employees of the plant in nonsensitive positions?

Mr. PORT. It would depend upon the plant and the facility. As to those facilities which under this bill would be designated as defense facilities, we would prefer the removal entirely of such individuals from those facilities.

Mr. SCHERER. Thank you.

Mr. WILLIS. I suggest a 10-minute recess.

(Brief recess.)

Mr. ARENS. Ladies and gentlemen, may I have your attention for a minute?

The chairman has announced that the session will now be in recess until 1:30.

(Whereupon, at 11:30 a. m., Wednesday, October 9, 1957, the committee was recessed, to reconvene at 1:30 p. m. the same day.)

AFTERNOON SESSION, WEDNESDAY, OCTOBER 9, 1957

(Members of the subcommittee present at time of reconvening: Representatives Willis and Scherer.)

Mr. WILLIS. The subcommittee will please come to order.

Counsel will call the next witness.

Mr. ARENS. Clair Feller, kindly come forward.

Mr. WILLIS. Raise your right hand. Do you solemnly swear that the testimony you are about to give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Miss FELLER. I do.

TESTIMONY OF CLAIR FELLER, ACCOMPANIED BY COUNSEL, VICTOR RABINOWITZ

Mr. ARENS. Miss Feller, please identify yourself by name, residence, and occupation.

Miss FELLER. Clair Feller, 605 East 15th Street, New York City. I have been working for the Western Union for 30 years.

Mr. ARENS. Is it Miss or Mrs.?

Miss FELLER. Miss.

Mr. ARENS. You are appearing today, Miss Feller, in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Miss FELLER. Yes.

Mr. ARENS. You are represented by counsel?

Miss FELLER. Yes.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. RABINOWITZ. Victor Rabinowitz, New York.

Mr. ARENS. What is your particular job at Western Union in New York City, Miss Feller?

Miss FELLER. I work in the press department. I send "press" to newspapers.

Mr. ARENS. How long have you had that particular job?

Miss FELLER. Almost 4 years.

Mr. ARENS. What job did you have prior to that time?

Miss FELLER. I was an automatic operator.

Mr. ARENS. Would you keep your voice up, please?

Miss FELLER. An automatic operator.

Mr. ARENS. What did you operate?

Miss FELLER. A machine.

Mr. ARENS. What type of machine?

Miss FELLER. Sending—send telegrams and receive them.

Mr. ARENS. In the course of your work at the Western Union, have you ever had access to confidential or restricted messages?

Miss FELLER. Not that I know of; no.

Mr. ARENS. Are you connected with the American Communications Association in any way?

Miss FELLER. Yes. I am a member of the American Communications Association.

Mr. ARENS. How long have you been a member?

Miss FELLER. Well, I don't know. About 8 years, I think.

Mr. ARENS. Have you ever held an office or post in the American Communications Association?

Miss FELLER. I was on the executive board.

Mr. ARENS. Over what period of time?

Miss FELLER. For at least 4 years. Four years, I would think.

Mr. ARENS. When?

Miss FELLER. I think up until 2 years ago.

Mr. ARENS. Have you ever been known by any name other than the name Clair Feller?

(The witness conferred with her counsel.)

Miss FELLER. No.

Mr. WILLIS. What was the answer?

Mr. RABINOWITZ. The answer was "No."

Mr. ARENS. Do you know or have you known a lady by the name of Concetta Padovani Greenberg?

Miss FELLER. Yes.

Mr. ARENS. Where did you know her?

Miss FELLER. She works for the Western Union.

Mr. ARENS. How long have you known her?

Miss FELLER. She has been in Western Union as long as I have.

Mr. ARENS. Have you ever been a member of any group in which she was a member?

(The witness conferred with her counsel.)

Miss FELLER. I will take the fifth amendment on that.

Mr. ARENS. A few months ago, this lady, Concetta Padovani Greenberg, took an oath before this committee and testified that while she was a member of the Communist Party, she knew you as a Communist. Do you care to avail yourself of the opportunity to deny that identification of yourself as a Communist?

(The witness conferred with her counsel.)

Miss FELLER. No.

Mr. ARENS. Are you now a member of the Communist Party?

Miss FELLER. No.

Mr. ARENS. Have you ever been a member of the Communist Party?

Miss FELLER. I think I will take the fifth amendment on that.

Mr. ARENS. Were you a member of the Communist Party 5 years ago?

Miss FELLER. I will take the fifth amendment on that.

Mr. ARENS. Were you a member of the Communist Party any time in the course of the last 6 months?

Miss FELLER. No.

Mr. SCHERER. What was the answer?

Miss FELLER. No. No.

Mr. ARENS. Are you completely, irrevocably, finally, disassociated with the Communist Party discipline?

Miss FELLER. I will take the fifth amendment on that.

Mr. ARENS. Are you presently under Communist Party discipline?

Miss FELLER. No.

Mr. ARENS. Did you resign from the Communist Party?

(The witness conferred with her counsel.)

Miss FELLER. I will take the fifth amendment on that.

Mr. ARENS. Do you presently have information respecting persons who, to your certain knowledge, were Communists engaged in the communications industry as late as 6 months ago?

(The witness conferred with her counsel.)

Miss FELLER. The question is very confusing. I will take the fifth amendment on that.

Mr. ARENS. We have no further questions of this witness, Mr. Chairman.

Mr. WILLIS. Any questions, Mr. Scherer?

Mr. SCHERER. By whom are you employed now?

Miss FELLER. By whom? By Western Union.

Mr. SCHERER. What do you do at Western Union?

Miss FELLER. I work—I am a “press” operator. I send “press” to newspapers.

Mr. SCHERER. Send what?

Miss FELLER. “Press.” Stories, news stories, to newspapers.

Mr. SCHERER. I have no further questions.

Mr. WILLIS. The witness is excused.

Mr. ARENS. The next witness, if you please, Mr. Chairman, will be Mr. Rudolph Ortner.

Mr. WILLIS. Please raise your right hand.

You do solemnly swear that the testimony you are about to give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ORTNER. I do.

TESTIMONY OF RUDOLPH ORTNER, ACCOMPANIED BY COUNSEL, VICTOR RABINOWITZ

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. ORTNER. My name is Rudolph Ortner. I live at 771 Humboldt Street, Secaucus, N. J.

I am a D. and A. clerk in the Western Union Telegraph Co.

Mr. ARENS. You are appearing today, Mr. Ortner, in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. ORTNER. Yes, sir.

Mr. ARENS. And you are represented by counsel?

Mr. ORTNER. Yes, sir.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. RABINOWITZ. Victor Rabinowitz, New York.

Mr. ARENS. What do you do as a D. and A. clerk?

Mr. ORTNER. We do duplicating and addressing work. We handle work, financial work, Wall Street work, the press, and social messages, such as birthdays, congratulations, and so forth.

Mr. ARENS. How long have you been employed in the communications industry?

Mr. ORTNER. Twenty-two years.

Mr. ARENS. Tell us, if you please, sir, just the highlights of your employment, the various posts you have held.

Mr. ORTNER. That has been it.

Mr. ARENS. You have been a D. and A. clerk at Western Union—

Mr. ORTNER. All of that time.

Mr. ARENS. All of that time?

Mr. ORTNER. Yes, sir.

Mr. ARENS. Mr. Ortner, are you connected as a member or as an official in any way with the American Communications Association?

Mr. ORTNER. I am a member and a shop steward.

Mr. ARENS. How long have you been a shop steward?

Mr. ORTNER. Perhaps—I would say 15 years.

Mr. ARENS. And as a shop steward, do you have access to the entire facility where you work?

Mr. ORTNER. Not particularly.

Mr. ARENS. Is there any part of the facility which you do not have access to?

Mr. ORTNER. Well, I would communicate with my superior in that respect.

Mr. ARENS. Have you been precluded from any part of the facility?

Mr. ORTNER. No, sir.

Mr. ARENS. Do you have access to any part of the facility in which confidential or restricted messages are processed?

Mr. ORTNER. I wouldn't know anything about that.

Mr. ARENS. Are you now a member of the Communist Party?

Mr. ORTNER. No, sir.

Mr. ARENS. Have you ever been a member of the Communist Party?

Mr. ORTNER. I plead the fifth amendment.

Mr. ARENS. Were you a member of the Communist Party 6 months ago?

Mr. ORTNER. No, sir.

Mr. ARENS. Were you a member of the Communist Party at any time in the course of the last year?

Mr. ORTNER. No, sir.

Mr. ARENS. Have you been a member of the Communist Party at any time in the course of the last 2 years?

Mr. ORTNER. I plead the fifth on that.

Mr. ARENS. Are you presently under Communist Party discipline?

Mr. ORTNER. No, sir.

Mr. ARENS. Have you ever resigned from the Communist Party?

Mr. ORTNER. I plead the fifth.

Mr. SCHERER. Will you speak a little louder?

Mr. ORTNER. I plead the fifth.

Mr. ARENS. Do you know a person by the name of Concetta Pado-vani Greenberg?

Mr. ORTNER. Yes, sir.

Mr. ARENS. What is the nature of your acquaintanceship with her?

Mr. ORTNER. She works in my department.

Mr. ARENS. Do you know her in any other capacity?

Mr. ORTNER. I plead the fifth.

Mr. ARENS. Mrs. Greenberg took an oath before this committee and identified you as a person known by her to be a member of the Communist Party. Do you care to avail yourself of the opportunity to deny that identification?

Mr. ORTNER. I plead the fifth.

Mr. ARENS. Do you presently have information respecting persons known by you, in the course of the last 2 years, to be Communists who are engaged in the communications facilities of this Nation?

Mr. ORTNER. I plead the fifth.

Mr. ARENS. I have no further questions, Mr. Chairman.

Mr. SCHERER. What kind of work do you do?

Mr. ORTNER. I use a typewriter.

Mr. SCHERER. You use a what?

Mr. ORTNER. I use a typewriter.

Mr. SCHERER. What is the nature——

Mr. ORTNER. I recopy financial messages, social messages, press work, and general business.

Mr. SCHERER. Do you handle any of the official communications of this Government?

Mr. ORTNER. Occasionally.

Mr. SCHERER. Are they coded messages?

Mr. ORTNER. Not necessarily.

Mr. SCHERER. Well, not necessarily, but you do handle some that are coded?

Mr. ORTNER. One might come. For instance, bids in the Quartermaster Department, or something like that.

Mr. SCHERER. Do you handle any that originate from foreign countries?

Mr. ORTNER. Very rarely.

Mr. SCHERER. But you do handle them?

Mr. ORTNER. I might.

Mr. SCHERER. Where were you born, sir?

Mr. ORTNER. In New York City.

Mr. SCHERER. Have you ever received any compensation, either directly or indirectly, from the Communist Party?

Mr. ORTNER. I plead the fifth.

Mr. SCHERER. Do you feel that to answer that question might lead to a criminal prosecution?

Mr. ORTNER. It might bring about an unjust accusation.

Mr. SCHERER. How long did you say you were employed by Western Union?

Mr. ORTNER. About 22 years.

Mr. SCHERER. I have no further questions.

Mr. WILLIS. The witness is excused.

Mr. ARENS. The next witness, if you please, Mr. Chairman, will be Edith Alberts.

Mr. WILLIS. Kindly raise your right hand. You do solemnly swear that the testimony you are about to give before this committee will be the truth, the whole truth, and nothing but the truth?

Miss ALBERTS. I do.

TESTIMONY OF EDITH ALBERTS (MRS. MAX SCHWARTZ), ACCOMPANIED BY COUNSEL, VICTOR RABINOWITZ

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Miss ALBERTS. My name is Edith Alberts. That is the name I use in business.

Mr. SCHERER. Madam, would you mind speaking just a little louder?

Miss ALBERTS. Yes. I live at 10 Oakdale Road, Roslyn Heights, N. Y.

Mr. SCHERER. I still can't hear the witness. Would you move a little closer to the microphone?

Miss ALBERTS. 10 Oakdale Road, Roslyn Heights, N. Y.

Mr. ARENS. And your occupation?

Miss ALBERTS. I am a——

Mr. SCHERER. The press, counsel, indicate that they still can't hear the witness.

Miss ALBERTS. Is there something wrong with this?

Mr. ARENS. Kindly keep your voice up.

Your occupation please?

Miss ALBERTS. Branch office manager for Western Union.

Mr. ARENS. Where?

Miss ALBERTS. In New York, at 532 Eighth Avenue.

Mr. ARENS. You are appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Miss ALBERTS. Yes.

Mr. ARENS. And you are represented by counsel?

Miss ALBERTS. Yes.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. RABINOWITZ. Victor Rabinowitz, New York.

Mr. ARENS. Have you been known by any name other than the name Edith Alberts?

Miss ALBERTS. I am married now, I was married 3 years ago, but I always use my maiden name.

Mr. ARENS. What is your married name?

Miss ALBERT. Schwartz.

Mr. ARENS. And your husband's name, please?

Miss ALBERTS. Max Schwartz.

Mr. ARENS. How long have you been employed in the communications industry?

Miss ALBERTS. Twenty-eight years.

Mr. ARENS. Give us, if you please, just the highlights of the various positions which you have held.

Miss ALBERTS. I started working as a branch-office clerk operator in 1929, and in 1939, I became a branch-office manager, and I am a branch-office manager in what is called a medium business office in the garment-industry section.

Do you want to know the nature of my work?

Mr. ARENS. I beg your pardon?

Miss ALBERTS. Do you want to know the nature of my work?

Mr. ARENS. Yes, please.

Miss ALBERTS. We handle reports, daily trial balances of receipts, a daily recording of the numbers of messages handled, and I turn in the payroll forms, and I make a lot of statistical reports of origin to destination speed of service, and the messages speed of service, and various reports.

In addition to that, I also operate, send, and receive messages, and make accounts, and talk to customers occasionally, and telephone.

Mr. ARENS. Are confidential or restricted messages processed through the office of which you are the manager?

Miss ALBERTS. I never see any. I would say "No."

Mr. ARENS. Are you connected, or have you been connected, with the American Communications Association.

Miss ALBERTS. Yes, I am a member.

Mr. ARENS. Have you ever held an office or post in that organization?

Miss ALBERTS. I was secretary-treasurer for two terms.

Mr. ARENS. When?

Miss ALBERTS. Let's see. I think it was 1942 or 1943, to about 1945. I am not definite on those dates, but it was about at that time.

Mr. SCHERER. Witness, did you know Michael Mignon?

Miss ALBERTS. No.

Mr. RABINOWITZ. Just so that the record is clear, she was secretary-treasurer of the local, not of the international.

Miss ALBERTS. Local 40 is the Western Union employees.

Mr. ARENS. Do you know a person by the name of Concetta Padovani Greenberg?

Miss ALBERTS. Not by that name.

Mr. ARENS. Do you know this person?

Miss ALBERTS. I know of a Connie Padovani.

Mr. ARENS. Are you now or have you ever been a member of the Communist Party?

Miss ALBERTS. I plead the fifth amendment.

Mr. ARENS. Are you now a member of the Communist Party?

Miss ALBERTS. No.

Mr. ARENS. Were you a member of the Communist Party at any time in the course of the last year?

Miss ALBERTS. No.

Mr. ARENS. Or at any time in the course of the last 2 years?

Miss ALBERTS. No.

Mr. ARENS. Or at any time in the course of the last 5 years?

Miss ALBERTS. No.

Mr. ARENS. After what period of time can you, to a certainty, tell us you were not a member of the Communist Party?

(The witness conferred with her counsel.)

Miss ALBERTS. Will you repeat that? I don't understand what you mean by that question.

Mr. ARENS. Were you a member of the Communist Party at any time in the course of the last 6 years?

Miss ALBERTS. No.

Mr. ARENS. Seven years?

Miss ALBERTS. No.

Mr. ARENS. Ten years?

Miss ALBERTS. I plead the fifth amendment.

Mr. ARENS. Are you presently under Communist Party discipline?

Miss ALBERTS. No.

Mr. ARENS. I have no further questions, Mr. Chairman.

Mr. WILLIS. The witness is excused.

Mr. ARENS. Michael Goldstein.

Mr. WILLIS. Please raise your right hand. You do solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GOLDSTEIN. I do.

Mr. WILLIS. Proceed, Counsel.

**TESTIMONY OF MICHAEL GOLDSTEIN, ACCOMPANIED BY COUNSEL,
VICTOR RABINOWITZ**

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mr. GOLDSTEIN. Michael Goldstein, New York, N. Y.; city route clerk, Western Union.

Mr. ARENS. You are appearing today, Mr. Goldstein, in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. GOLDSTEIN. What is the question again?

Mr. ARENS. You are appearing today in response to a subpoena?

Mr. GOLDSTEIN. Yes, sir.

Mr. ARENS. You are represented by counsel?

Mr. GOLDSTEIN. Rabinowitz.

Mr. ARENS. Will counsel kindly identify himself?

Mr. RABINOWITZ. Victor Rabinowitz, New York.

Mr. ARENS. How long have you been employed in the communications industry, Mr. Goldstein?

Mr. GOLDSTEIN. Forty years.

Mr. ARENS. Give us the highlights of your employment.

Mr. GOLDSTEIN. I was a tube clerk for a very short time. Most of the time I have been a route clerk. That is the job I have now.

Mr. ARENS. Do you, in the course of your work in the communications industry, have access to confidential or restricted messages?

Mr. GOLDSTEIN. If I did, I wouldn't know, because I don't read the messages.

Mr. ARENS. Do you have access to them? Do you handle them? Do you process them?

Mr. GOLDSTEIN. No. I just route them according to the address. I don't know what is in the body.

Mr. ARENS. Are you now or have you ever been a member of the Communist Party?

Mr. GOLDSTEIN. Fifth amendment.

Mr. ARENS. Are you now a Communist?

Mr. GOLDSTEIN. No.

Mr. ARENS. Were you a Communist at any time in the course of the last 5 years?

Mr. GOLDSTEIN. No.

Mr. ARENS. Or at any time in the course of the last 10 years?

Mr. GOLDSTEIN. Fifth amendment.

Mr. ARENS. Do you know a person by the name of Concetta Padovani Greenberg?

Mr. GOLDSTEIN. Yes; I know her.

Mr. ARENS. She identified you as a person known by her to have been a Communist. Do you care to avail yourself of the opportunity to deny that identification?

Mr. GOLDSTEIN. Fifth amendment.

Mr. ARENS. I have no further questions, Mr. Chairman.

Mr. WILLIS. The witness is excused.

Mr. ARENS. William Bender, kindly come forward.

Mr. WILLIS. Please raise your right hand. Do you solemnly swear that the testimony you are about to give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BENDER. I do.

TESTIMONY OF WILLIAM BENDER, ACCOMPANIED BY COUNSEL, VICTOR RABINOWITZ

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mr. BENDER. My name is William Bender, 350 East 77th Street, New York. I am a vice president of the American Communications Association.

Mr. ARENS. Are you connected with a particular division within the American Communications Association?

Mr. BENDER. Yes. I am vice president of the broadcast department of the American Communications Association.

Mr. ARENS. You are appearing today, Mr. Bender, in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. BENDER. That is right.

Mr. ARENS. And you are represented by counsel?

Mr. BENDER. That is right.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. RABINOWITZ. Victor Rabinowitz, New York.

Mr. ARENS. Please tell us what the broadcast department of the American Communications Association consists of, or what stations or broadcasting facilities are represented there.

Mr. BENDER. At the present time we have about 100 members in 7 stations, 5 in the Philadelphia area, and 2 in New York City.

Mr. ARENS. Please give us the names of the stations which you represent.

Mr. BENDER. The stations in New York are WLIB and WBNX. The stations in Philadelphia are WPEN, WIP, WDAS, WIBG, and WHAT.

Mr. ARENS. Do you happen to recall the names of the members of your American Communications Association who are engaged in these various radio establishments?

Mr. BENDER. To recall them?

Mr. ARENS. Yes, sir.

Mr. BENDER. There are about 100 people.

Mr. ARENS. In the aggregate there are about 100 persons; is that right?

Mr. BENDER. That is right. I don't recall all the names.

Mr. ARENS. Do the broadcast facilities which you have mentioned have anything to do with the so-called Conelrad System of air-raid defense?

Mr. BENDER. Well, some of the stations, to my knowledge, do participate and some of them do not.

Mr. ARENS. What is the Conelrad System of air-raid defense?

Mr. BENDER. It is a system of volunteer participation by stations in going off the air or joining a means of joining a Conelrad network so that they all broadcast the same program at different intervals.

Mr. ARENS. It is a defense operation; is it not?

Mr. BENDER. I am giving you the technical explanation. It is a defense setup. You are right. I was looking at it from the technical side.

Mr. ARENS. In which of these stations where you have American Communications Association personnel, do they participate in the Conelrad System of air-raid defense?

Mr. BENDER. Well, I really wouldn't know that. It is on a voluntary basis. I know that some of the stations do participate and some of them do not.

Mr. ARENS. Do you recall which stations do participate?

Mr. BENDER. Well, I can recall 1 station that does participate, or 2 stations that I know of.

Mr. ARENS. Give us those two, please, sir.

Mr. BENDER. I think WIP and WPEN, and I think WIBG, or all three in Philadelphia, do participate.

Mr. ARENS. Can you tell us now the names of persons employed in any of these stations who, to your certain knowledge, are or have been members of the Communist Party?

(The witness conferred with his counsel.)

Mr. BENDER. The first and fifth amendments.

Mr. SCHERER. Do you mean you refuse to answer by reason of the provisions of the first and fifth amendments?

Mr. BENDER. Yes; that is correct. I refuse to answer by virtue of the first and fifth amendments.

Mr. ARENS. Mr. Bender, are you now or have you ever been a member of the Communist Party?

Mr. BENDER. I refuse to answer on the basis of the first and fifth amendments.

Mr. ARENS. Are you now a member of the Communist Party?

Mr. BENDER. I am not a member of the Communist Party.

Mr. ARENS. Are you under Communist Party discipline.

Mr. BENDER. I am not under Communist Party discipline.

Mr. ARENS. Have you been a member of the Communist Party at any time in the course of the last 5 years?

Mr. BENDER. I refuse to answer on the basis of the first and fifth amendments.

Mr. ARENS. Have you been a member of the Communist Party at any time in the course of the last year?

Mr. BENDER. I refuse to answer on the basis of the first and fifth amendments.

Mr. ARENS. Have you been a member of the Communist Party at any time in the course of the last 6 months?

Mr. BENDER. I refuse to answer on the basis of the first and fifth amendments.

Mr. ARENS. Have you been a member of the Communist Party at any time in the course of the last month?

(The witness conferred with his counsel.)

Mr. BENDER. No.

Mr. ARENS. Have you been a member of the Communist Party at any time in the course of the last 3 months?

Mr. BENDER. I refuse to answer on the basis of the first and fifth amendments.

Mr. ARENS. Do you presently have information as current as 3 months ago, respecting persons engaged in the operation or participating in the Conelrad System of air-raid defense who, to your certain knowledge were, at least 3 months ago, members of the Communist Party?

Mr. BENDER. I refuse to answer on the basis of the first and fifth amendments.

Mr. ARENS. Who is your immediate superior in the American Communications Association?

Mr. BENDER. Well, I suppose I am answerable to, first of all, the membership of my department, the broadcast department of the American Communications Association.

Mr. ARENS. What official of the American Communications Association gives you directives as to what you are to do?

Mr. BENDER. Well, I don't report to any official of the American Communications Association. I make a report to the international executive board of the union, to the membership of the local, which I serve.

Mr. ARENS. Who engaged you for your job?

Mr. BENDER. I was elected by the membership of the broadcast department.

Mr. ARENS. When was that?

Mr. BENDER. Approximately a year and a half ago.

Mr. ARENS. Were you a member of the Communist Party at that time?

Mr. BENDER. I refuse to answer on the basis of the first and fifth amendments of the Constitution.

Mr. ARENS. Who is the president of the American Communications Association now?

Mr. BENDER. Mr. Joseph P. Selly.

Mr. ARENS. To your knowledge is Mr. Selly presently a member of the Communist Party?

Mr. BENDER. I refuse to answer on the basis of the first and fifth amendments of the Constitution of the United States.

Mr. ARENS. How many persons are there in the American Communications Association who are engaged within the broadcast department?

Mr. BENDER. Approximately 100.

Mr. ARENS. What are the dues per person or in the aggregate?

Mr. BENDER. They pay a sliding scale of dues which varies from \$2 per month to \$5 per month, depending upon their earnings.

Mr. ARENS. What is the nature of their particular function?

Mr. BENDER. The majority of the technicians who are members—the majority of the people, rather, who are members of our union are broadcast technicians.

Mr. ARENS. Do they have access or control of the machinery which causes the broadcast waves to leave the station and go out over the air?

Mr. BENDER. They operate, maintain, and repair all technical equipment.

Mr. ARENS. Does the American Communications Association, or your department of the communications association, have bargaining rights under the National Labor Relations Act for any of these employees?

Mr. BENDER. Yes.

Mr. ARENS. Do they have bargaining rights in each of these several radio stations which you have enumerated a little while ago, a half dozen or so?

Mr. BENDER. That is right.

Mr. ARENS. Give us, if you please, sir, just a word of your own personal background. Where and when were you born?

Mr. BENDER. I was born on September 3, 1917, in New York City.

Mr. ARENS. And your education, please.

Mr. BENDER. I attended the elementary schools in New York City, high school in Oceanside, Long Island, and New York City, and college in Nassau County, in New York City. I attended the RCA Institute for 6 months.

Mr. ARENS. Now give us your employment, please.

Mr. BENDER. I worked as—in the communications industry, do you mean?

Mr. ARENS. The principal employments you have had since you concluded your formal education.

Mr. BENDER. Well, I worked as a broadcast technician in—well, I will start back further. I worked as a teacher on the WPA. I worked as a broadcast technician in radio station WWRL, in New York City; as a radio technician in WHN, New York City; as an employee of the American Communications Association since then.

Mr. ARENS. May I ask you to repeat the name of the station where you were employed prior to the time that you came with the American Communications Association?

Mr. BENDER. Radio Station WHN.

Mr. ARENS. What is that radio station?

Mr. BENDER. Well, it is no longer called WHN. It is now called WMGM, a radio station in the New York City area.

Mr. ARENS. Is that the city station?

Mr. BENDER. No; that is a station owned by the Marcus Loew Booking Agency.

Mr. ARENS. And what was your job there?

Mr. BENDER. As a technician, a radio technician.

Mr. ARENS. Did you operate the machinery there?

Mr. BENDER. Well, I operated controls, transmitter, and all types of work there.

Mr. ARENS. Have you ever attended any training schools, any Communist training schools?

Mr. BENDER. I refuse to answer on the basis of the first and fifth amendments.

Mr. ARENS. Have you ever received any instruction in sabotage?

Mr. BENDER. I have never received any instruction in sabotage.

Mr. ARENS. Have you attended any courses under the auspices of the Communist Party designed for communications?

(The witness conferred with his counsel.)

Mr. BENDER. I refuse to answer on the basis of the first and fifth amendments.

Mr. ARENS. Where is radio station WPEN?

Mr. BENDER. Philadelphia.

Mr. ARENS. Do you know any person now employed in WPEN who, to your certain knowledge, is or in the course of the last 2 or 3 years, has been a member of the Communist Party?

Mr. BENDER. I refuse to answer on the basis of the first and fifth amendments.

Mr. ARENS. Where is radio station WYP?

Mr. BENDER. You mean WIP?

Mr. ARENS. I beg your pardon.

Mr. BENDER. It is "I," not "Y." In Philadelphia.

Mr. ARENS. Do you now know, to a certainty, the name of any person you have known in the last 2 or 3 years as a Communist, who is presently employed at WIP?

Mr. BENDER. I refuse to answer on the basis of the first and fifth amendments.

Mr. ARENS. Where is radio station WYBG?

Mr. BENDER. That should be WIBG. Philadelphia.

Mr. ARENS. Do you now know to a certainty the name of a person employed in radio station WIBG whom you have known as a Communist?

Mr. BENDER. I refuse to answer on the basis of the first and fifth.

Mr. ARENS. Where is radio station WHAT?

Mr. BENDER. Philadelphia.

Mr. ARENS. Do you know a person who, to your certain knowledge, has been a member of the Communist Party, who is presently employed in WHAT?

Mr. BENDER. I refuse to answer on the basis of the first and fifth amendments.

Mr. ARENS. Where is radio station WLIB? Is that in New York City?

Mr. BENDER. Yes.

Mr. ARENS. Is WBNX in New York City?

Mr. BENDER. That is right.

Mr. ARENS. Do you now know the name of a person who to your certain knowledge is presently engaged in either of those two stations, who has been, to your knowledge, a Communist?

Mr. BENDER. I refuse to answer on the basis of the first and fifth amendments of the Constitution.

Mr. ARENS. So that this record may be absolutely clear, do you now know the name of a person or persons presently engaged in the Conelrad System of air raid defense, who, to your certain knowledge, are or have been Communists?

Mr. BENDER. I refuse to answer on the basis of the first and fifth amendments.

Mr. ARENS. Have you ever, while you have been employed as vice president in charge of the broadcast department of the American Communications Association, received any orders or instructions from a person known by you to be a Communist?

(The witness conferred with his counsel.)

Mr. BENDER. I refuse to answer on the basis of the first and fifth amendments.

Mr. ARENS. I believe I have no further questions, Mr. Chairman.

Mr. WILLIS. The witness is excused.

Mr. ARENS. Anthony J. Napoli, please come forward.

Mr. WILLIS. Please raise your right hand. You do solemnly swear that the testimony you are about to give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. NAPOLI. Yes.

**TESTIMONY OF ANTHONY J. NAPOLI, ACCOMPANIED BY COUNSEL,
VICTOR RABINOWITZ**

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. NAPOLI. My name is Anthony Napoli. I reside at 1420 76th Street, Brooklyn.

Mr. ARENS. Mr. Napoli, you are appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. NAPOLI. Yes, sir.

Mr. ARENS. And you are represented by counsel?

Mr. NAPOLI. Victor Rabinowitz.

Mr. ARENS. Will counsel kindly identify himself.

Mr. RABINOWITZ. Victor Rabinowitz, New York.

Mr. ARENS. Where are you presently employed?

Mr. NAPOLI. The Western Union Telegraph Co., the main office in New York City.

Mr. ARENS. How long have you been employed there?

Mr. NAPOLI. Approximately 32 years.

Mr. ARENS. In what capacity are you presently employed?

Mr. NAPOLI. I am a supervisor in the D. and A. department.

Mr. ARENS. What is the D. and A. department?

Mr. NAPOLI. Duplicating and addressing.

Mr. ARENS. How long have you been a supervisor?

Mr. NAPOLI. About a year—just a little over a year.

Mr. ARENS. What was your job prior to your present job as supervisor?

Mr. NAPOLI. I was a clerk.

Mr. ARENS. How long were you a clerk?

Mr. NAPOLI. About 25 years, or 24 years.

Mr. ARENS. Do you now have, or have you had, while employed at Western Union, access to confidential or restricted messages?

Mr. NAPOLI. Well, it is miscellaneous messages, all sorts of messages.

Mr. ARENS. Do these messages include confidential or restricted messages coming out of the Pentagon?

Mr. NAPOLI. Well, they may.

Mr. ARENS. Do they?

Mr. NAPOLI. Well, I don't know. I mean, they may or they may not. I don't know. Some of them may; yes, sir.

Mr. ARENS. Are you connected in any way with the American Communications Association?

Mr. NAPOLI. I am a member.

Mr. ARENS. Have you ever held an office, a post in the American Communications Association?

Mr. NAPOLI. No, sir.

Mr. ARENS. Are you now or have you ever been a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. NAPOLI. I plead the fifth amendment.

Mr. ARENS. Are you now a member of the Communist Party?

Mr. NAPOLI. No, sir.

Mr. ARENS. Have you been a member of the Communist Party at any time in the course of the last 2 years?

Mr. NAPOLI. No, sir.

Mr. ARENS. Five years?

Mr. NAPOLI. No, sir.

Mr. ARENS. Ten years?

Mr. NAPOLI. No, sir.

Mr. ARENS. Do you know a person by the name of Concetta Padovani Greenberg?

Mr. NAPOLI. She works in my department.

Mr. ARENS. Mrs. Greenberg testified before this committee some few weeks ago that while she was a member of the Communist Party, she knew you as a Communist. Was she in error on that, or was she telling the truth?

(The witness conferred with his counsel.)

Mr. NAPOLI. I plead the fifth in answer to that.

Mr. ARENS. I have no further questions of this witness, Mr. Chairman.

Mr. WILLIS. Is that all?

The witness is excused.

Mr. ARENS. Mr. Chairman, we may have 1 or 2 witnesses who are to be heard in executive session.

Mr. WILLIS. The committee will now go into executive session.

(Whereupon, at 2:20 p. m. Wednesday, October 9, 1957, the committee proceeded to other business in executive session.)

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